



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 06/21/01

Agenda Item 4

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: Variance Application No. 01-180-07 – Jorge & Melinda Alfaro (Applicants/ Owners). Request for

- a living room addition 15 feet from the front property line (20 feet required);
- a porch addition 10 feet from the front property line (15 feet required); and
- to add square footage to the house without providing the required two-car garage

The property is located at 346 Jerilynn Lane, a part of the Santa Clara Neighborhood Plan area in a Single-Family Residential (RS) District.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations in Land Use Limitations*; and
2. Deny the variances, subject to the attached findings.

BACKGROUND:

The property is located within a single-family subdivision of similar homes. The parcel is 100 feet deep and has a width of 51 feet¹. The parcel is developed with a 1,288 square foot, single-story single-family residence built in 1951. In 1970 a 427 square foot additional was built on the rear of the house, adding two bedrooms. Later, a 244 square-foot covered rear porch was added. Like many of the other homes in the neighborhood, the front of the garage is approximately 15 feet from the front property line. The applicant is requesting to add 130 square feet to the front of the house, which would bring the front face of the living area even

¹ Staff refers to the County Assessor's maps for the accurate lot dimensions. The plans incorrectly show the lot width to be 49 feet.

with the front of the garage. The request includes a front porch 10 feet from the front property line. The applicant also plans to change the roof from a flat roof to a pitched roof.

California State Planning Law and the City's Zoning Ordinance outline the required findings that must be made in order to grant a variance. The Planning Commission may approve a variance when all of the following findings are made:

- a) There are special circumstances applicable to the property, including size, shape, topography, location, surroundings, or other physical constraints.
- b) Strict application of the Zoning Ordinance would deprive such property of privileges enjoyed by other properties in the vicinity under the same zoning classification.
- c) The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and the Single-Family Residential zone in which the property is situated.

DISCUSSION:

The lot is flat, has a rectangular shape, and is of a standard size (5,100 square feet) for the neighborhood. There is nothing unusual about the size or shape of the parcel. The house is situated on the lot approximately 15 feet from the front property line and 25 feet from the rear property line.

Subject dwelling has a one-car garage. The City's Off-Street Parking Regulations require that when the cumulative additions to a residence exceed 50 percent of the original building size the minimum two-car garage requirement shall be met. The Zoning Ordinance recognizes that additional bedrooms and/or living area often places an increased demand on parking. The original size of the house has already been increased by more than 50 percent, so no additional expansion may be approved without providing a two-car garage, unless a variance is approved. In this case there is no practical way to increase the size of the garage to accommodate two vehicles, and staff does not support a variance to the Off-Street Parking Regulations because parking in the neighborhood is already limited. Most garages in the neighborhood can accommodate only one vehicle. Also most are located only 15 feet from the sidewalk and front property line, resulting in driveways that are too short for cars to park without the sidewalks being at least partially blocked.

The applicant indicates that approval of the proposed addition would not constitute a special privilege as there are a number of other properties in the area that have completed similar additions within the required front yard setback area. Staff has researched a list of addresses provided by the applicant and found that only two properties (23687 Jorgensen and 355 Annette) had similar additions approved in 1981 and 1989 respectively. Jorgensen intersects with Jerilynn and Annette is the first parallel street to the north of Jerilynn. These two homes had additions approved within the front yard setbacks and did not extend beyond the front face of the garages. The additions were completed at a time when the Zoning Ordinance considered the required front yard setback to be 20 feet, unless a reduced setback had been established

when the house was originally built. However, since that time, the Zoning Ordinance was amended to require that additions be consistent with setbacks established in the District, which in this case is 20 feet. (It should be noted that no such additions have been approved on Jerilynn and staff knows of no additions with a front porch as close as 10 feet.)

In staff's opinion, findings cannot be made to support the requested variances. Rather, the requested variances raise policy issues relative to reinvestment and improvements to homes within established neighborhoods. Clearly, the expansion may be considered an improvement to the dwelling, although it could also change the character of the area by reducing the setback (and the amount of landscaping) in the front yard. Also, increasing the square footage of the dwelling is supportive of larger households, which typically results in more vehicles. Even if the applicant does not have a large family, future families residing there may be larger. The requirement to provide a two-car garage when substantially adding to a residence has prevented additions to a number of older homes, as many lots do not have the space available to expand garages and the costs associated with constructing larger garages render the project unaffordable to some. In the past some Planning Commissioners have suggested amending Zoning Ordinance regulations so as to support expanding and upgrading older homes. Others, however, have raised concerns that in doing so the character of neighborhoods could be changed and they could be further impacted by increased demand for limited on-street parking. To date the City Council has not pursued amending the Zoning Ordinance to support the type of variances requested. These policy decisions, however, must be considered outside this application.


ENVIRONMENTAL REVIEW:

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations in Land Use Limitations*.

PUBLIC NOTICE:


On April 4, 2001, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records and the Santa Clara Neighborhood Plan Task Force members. The Referral Notice provided an opportunity for persons to comment on the project. No comments were received. On June 11, 2001, a Notice of Public Hearing for the Planning Commission meeting was mailed.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

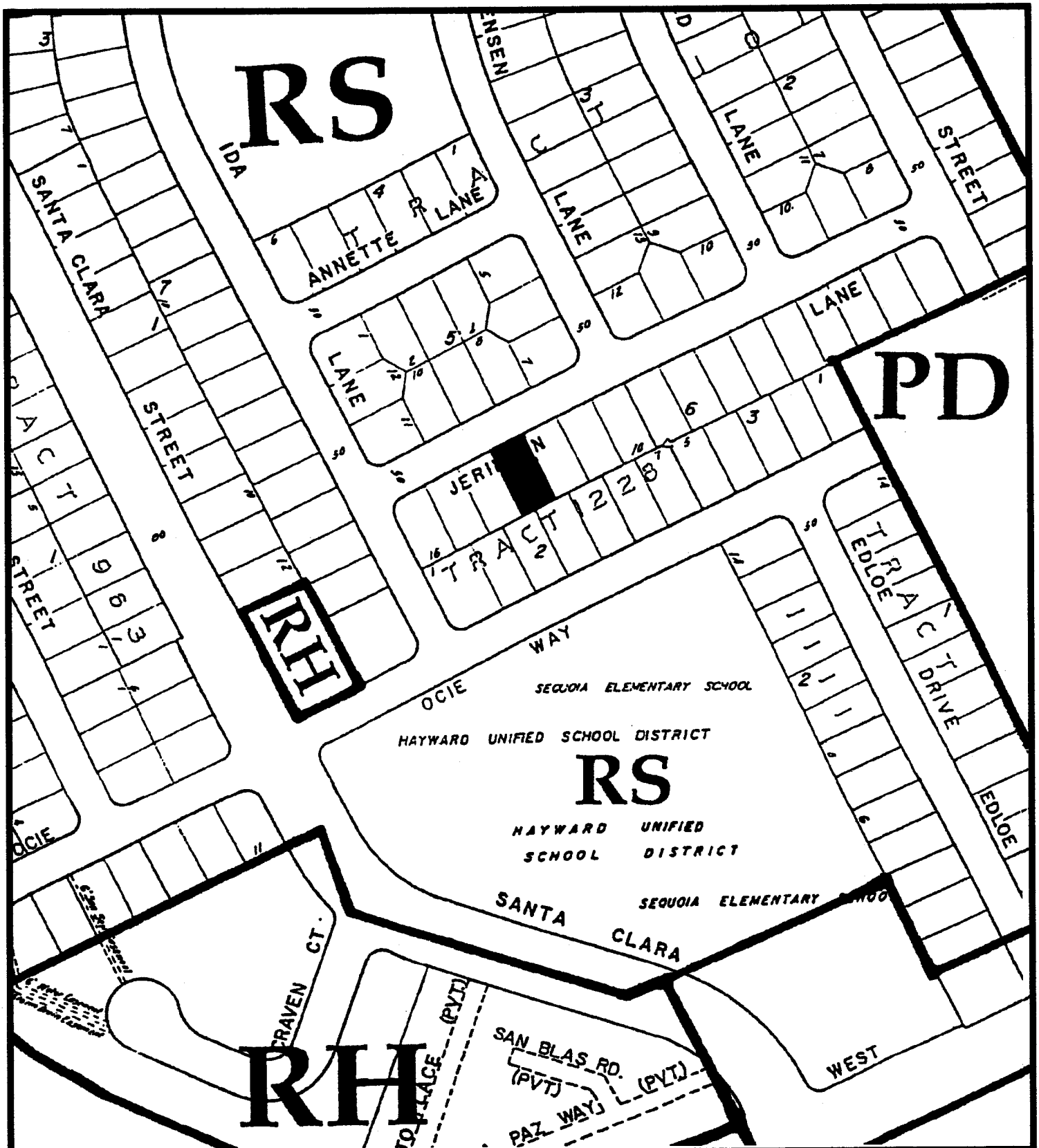
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings
- C. Letter from applicant
- D. Plans



Area & Zoning Map

VAR 01-180-07

Address: 346 Jerilyn Lane

Applicant: Jorge C. Melinda O. Alfaro

Owner: Jorge C. Melinda O. Alfaro

VARIANCE APPLICATION NO. 01-180-07
Jorge & Melinda Alfaro (Applicants/Owners)
346 Jerliynn Lane
FINDINGS OF DENIAL

Findings For Denial – Request to: 1) construct an addition to a single family residence only 15 feet from the front property line where a minimum of 20 feet is required; and 2) add square footage to the house without providing the required two-car garage.

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations in Land Use Limitations*.
- B. There are no special circumstances applicable to the property regarding this request in that the residence is situated on a lot of standard size and shape.
- C. Strict application of the Zoning Ordinance would not deprive such property of privileges enjoyed by other properties in the vicinity under the same zoning classification. The home has already been enlarged more than would be allowed today without providing a two-car garage.
- D. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and the Single-Family Residential zone in which the property is situated. Only two other properties in the neighborhood have been granted extensions of non-conforming building lines. In those cases, the City did not grant variances, but allowed them by interpretation under a building permit. The City has not, to date, approved a variance allowing an addition exceeding 50 percent to not provide a two-car garage.

Robert A. Williams, Jr.
Planning Commissioner
City of Hayward
777 B Street
Hayward, CA 94541

RE: 346 Jerilynn Lane
Hayward, CA

Dear Commissioner Williams

We are writing to you as we are applying for a variance permit for our place of residence listed above.

We understand that under "Sec. 10-1.3325 FINDINGS" we may be able to qualify for our request based on item(s);

(a) "There are special circumstances applicable to the property including size, shape, topography, *location*, surroundings or other physical constraints".

Based on "location", property is located in a subdivision approved nonconforming front yard setbacks less than the required 20 ft.

(b) "Strict application of the Zoning Ordinance deprives such property of *privileges* enjoyed by other property in the vicinity under the same zoning classification".

Based on "Privilege", others have extended nonconforming setbacks within the area when such extensions were permitted.

(c) "The variance does not constitute a grant of a special *privilege inconsistent* with the limitations upon other properties in the vicinity and zone in which the property is situated".

Based on "Privilege Inconsistent", We are only asking for parity with what other property owners (whom are our neighbors) were granted in the past.

(Also for your information, as recent as late last year, a house on the next block extended their front living room and entry that exceeds the variance ordinance).

ATTACHMENT C

RE: 346 Jerilynn Lane
Hayward, CA 94541

Our homes are approximately 50 years old and it seems that the contractor hired to do the construction for these home did not take into consideration that what seemed to be adequate space for a young family at that time that someday our children would grow into adults and have children of their own. The living room area is no longer providing adequate space for our family to fit comfortably. This is why we are asking approval for the much needed extension; we are not asking to build another room.

The other point we want to make is that we only want to extend what is already there and in parity with the kitchen area; at the same length.

We also want to advise you that we applied and got a loan to do this work because we were told that it should not be a problem and I was never informed that there was a variance ordinance. We have lived in our home since 1976.

In closing I want to point out that there is a sign in the reception area of the Building and Permits office at City Hall which reads "Look forward in working with you towards creating a safe, healthy and attractive Hayward". I, too, want to work and collaborate with you and have your support in my contribution to beautifying my home and community.

We appreciate your consideration in our request in allowing us to make home improvement to our home and we look forward in meeting with you to further discuss our request during your next commissioners monthly meeting.

Respectfully yours


Jorge and Melinda Alfaro

Robert A. Williams, Jr.
Planning Commissioner
City of Hayward
777 B Street
Hayward, CA 94541

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Based on "Privilege Inconsistent", We are only asking for parity with what other property owners (whom are our neighbors) were granted in the past.

(Also for your information, as recent as late last year, a house on the next block extended their front living room and entry that exceeds the variance ordinance).

June 10, 2001

Dear Planning Commissioners
Edward Boque, Jerry Caveglia,
Barbara Halliday, Barbara Sacks,
Robert A. Williams, Jr.,
Francisco Zermeno
Christopher Thnay

RE: 346 Jerilynn Lane
Hayward, CA

We are writing to seek your support in our request to add 6 feet extension to our present front living room area we also want to include adding a pitch roof that would allow for proper winter water drainage (we presently have to get on the roof to sweep the sitting water off the roof every winter).

We will be meeting with you on June 21, 2001 to further discuss this request.

Along with the attached copies of floors plans, for your review and information are copies of pictures we took of existing homes with the added extension in our neighborhood along with a copy of a signed petition from our neighbors supporting our request.

I also want to mention that when I first approached the City of Hayward Planning Department in late last year I was told by Mr. Pearson after he checked the computer that there should not be a problem in getting this work done. I then asked him the procedure and he told me to get floor plans and return with them to the planning department.

Once we refinanced our home to pay for the work I return in February 2001 and I met with Mr. DeLuz and he informed me about the 20 feet setback variance ordinance. I requested an appointment with Ms. Anderly who also told me the same information.

We are presently paying for a \$60,000 home loan earmarked for home improvements that we have not been able to start. We hope, with your approval that we can start and finish our project before the end of this year.

In closing I'd like to add that you allow for flexibility to our request as we feel caught in the middle of trying to make home improvements to our home and abiding by rules and regulations that might be outdated for older homes such as ours.

Thanking you in advance for your consideration in our request.

Respectfully


Jorge and Melinda Alfaro

ATTACHMENT C

PETITION

We, the undersigned support Jorge and Melinda Alfaro residing at 346 Jerilynn Lane in Hayward, CA in making home improvements to their home by extending their front living room area and allow them to enjoy the benefits of the requested 6 feet to their home as some of us have.

As you may be aware our homes are located in a sub-division non-conforming front yard setbacks where 20 feet is required from the front property line. And as a result of this the City of Hayward has a "Variance Ordinance" of 20 feet setback from front property line is required.

We request the City of Hayward's present "20 feet variance ordinance" be looked at and allow for flexibility for some us to make front room extensions and home improvement to our properties.

| Chon Sevier | 369 Jerilynn Ln. | Hayward | 94541 |
|---------------------------|--------------------------|---------------|-------|
| NAME | ADDRESS | CITY | ZIP |
| Linda Rodriguez MARCIA | 23747 IDA ST. | Hayward Ca | 94541 |
| Maria Rodriguez | 357 Jerilynn Ln. | | 94541 |
| Maria Rodriguez | 354 Jerilynn Lane | | 94541 |
| Maria Rodriguez | 341 Jerilynn Lane | | 94541 |
| Maria Rodriguez | 23693 Jorgensen Ln. Day. | | 94541 |
| Linda Rodriguez | 330 Jerilynn Ln. | Hayward | 94541 |
| Maria Rodriguez | 344 Jerilynn Lane | Hayward | 94541 |
| Marcia Kane | 306 Jerilynn Lane | Hayward | 94541 |
| Olivia Mayorga | 332 Annette Ln | Hayward | 94541 |
| Frank M. Ramey | 309 Jerilynn Ln | Hayward | 94541 |

Bich Loan Dang 23687 Jorgensen Hayward 94541
 * Conroy, Patey 355 Annette Ln Hayward 94541
 / Mante 363 Annette Ln Hayward 94541



Front
Room
View



Kitchen
View



Front
Entry
and
Front
Room
View



Property : 346 Jemlynn Lane
Hayward



corner of Jerilynn lane
and Amador



330 Redbud

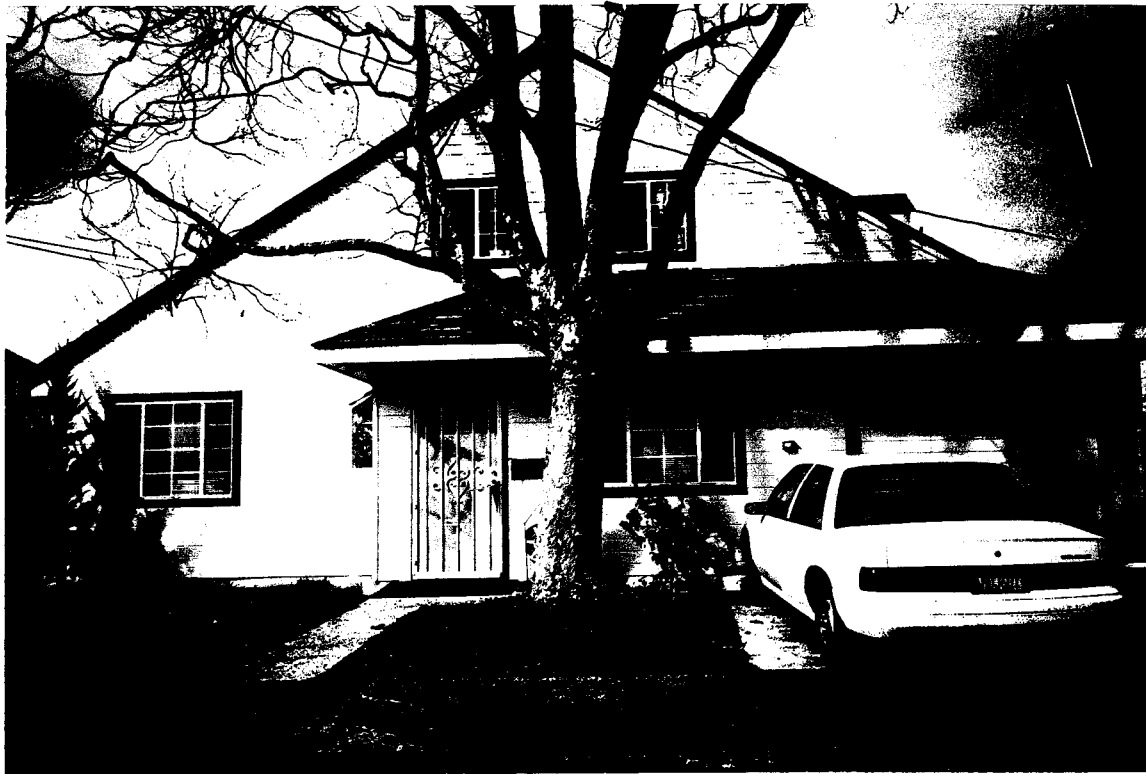




23344 Ronald



23571 ~~ROA~~ Ronald



355 Annette (this property went
over variance, as per
Ms Anderly).



363 Annette (next door to 355).
The work on these homes were done just
last year.



23687 Jorgensen



23880 Jorgensen
(Across the street from each other).

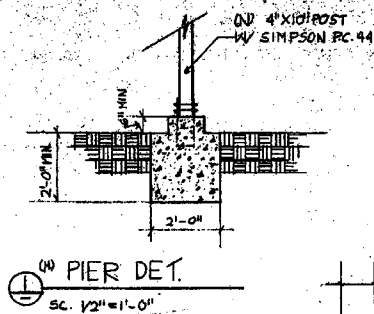
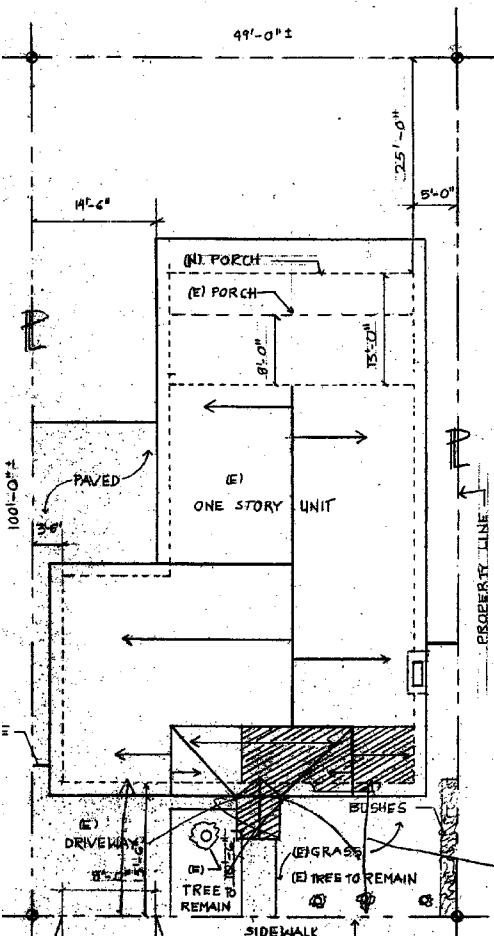


This is an example of the change we want to make to our home with alternations to the above entry. we would make the change to be like the other home that have made the extensions.

Coroner of Santa Clara



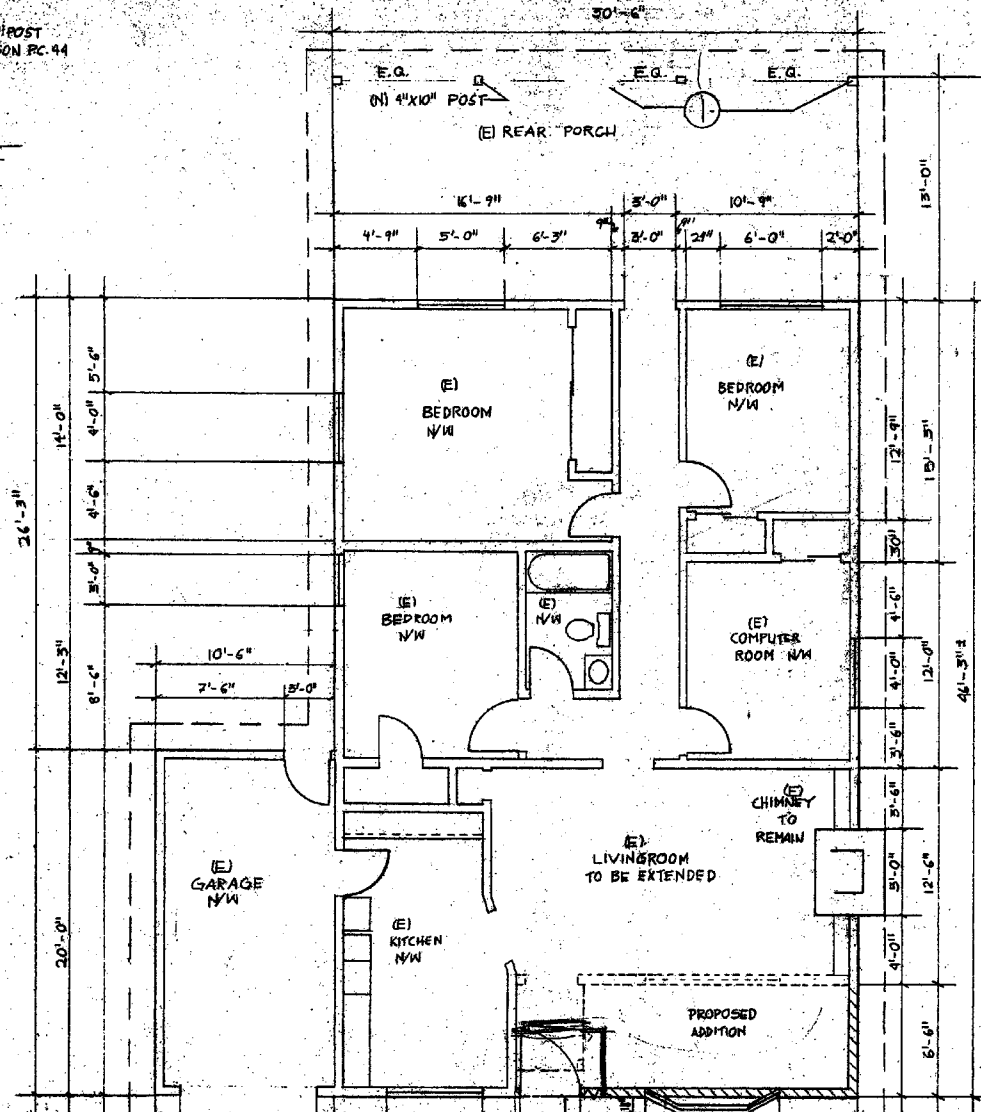
This home is located on the other side of Santa Clara I believe the street name is Ocic (opposite the going north of Santa Clara).



NOTES

- (E) EXIST
- (N) NEW
- (E) 1288 SF F²
- (E) 150 SF F² 10%
- (E) FLAT ROOF
- (E) PITCH ROOF
- (N) NO WORK
- (N) DEMOLITION
- (N) 2X4 STUDS WALL
- TOTAL LOT AREA 4900 SF ± F²
- FRONT PORCH IS OPTIONAL
- (E) GARAGE 210 SF ±

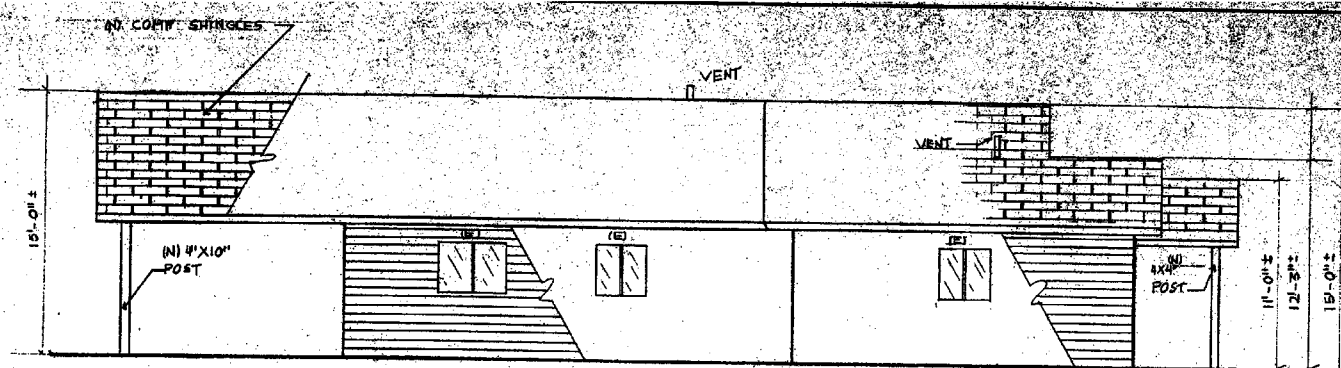
SEE DIMENSION



OWNERS:
MRS. & MR. ALFARO

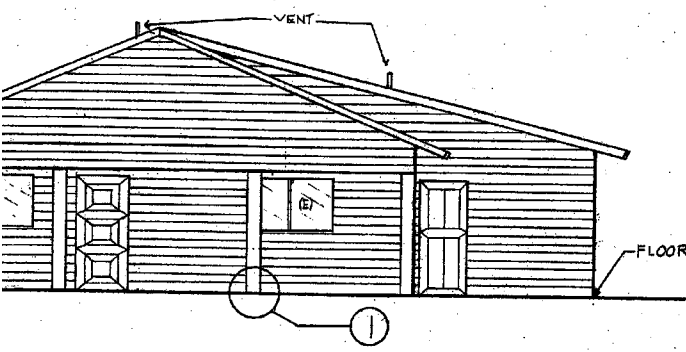
DRAWN BY
G. PEREZ

PLAN
ON (N) ROOF



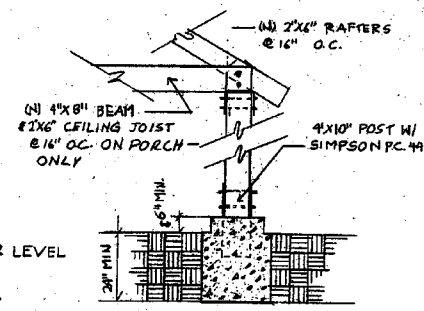
EAST ELEVATION

SC. V2" = 1'-0"



SOUTH ELEVATION

SC. V2" = 1'-0"

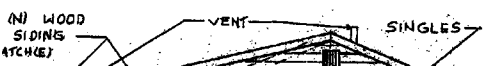


PIER & PORCH DET.

SC. V2" = 1'-0"

NOTES

- | | |
|-----|-------|
| (E) | EXIST |
| (N) | NEW |



DRAWN BY:
G. PEREZ

OWNERS:
MRS. & MR. ALFARO

DEF